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The 'Secret' Paper Mountain

Nothing has contributed more to the explosive growth of successful spying against the U.S. government than its own ridiculous methods of classifying official documents.

Too many people are empowered to wield the little rubber stamps that make secrets of mundane material, and they exercise their heady prerogative with wild abandon. The result is that genuine secrets important to national security become cheapened by their association with the chaff: documents that have been overclassified because of potential political embarrassment, ignorance, carelessness or simply a bureaucrat's ego. All this has produced too many "secrets" to guard properly.

"When everything is classified, then nothing is classified," wrote Supreme Court Justice Potter Stewart, "and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion."

Stewart was writing about the Pentagon Papers case in 1971, when the government tried unsuccessfully, on grounds of national security, to prevent publication of secret documents on the conduct of the Vietnam war.

The weakness of the government's case had been demonstrated when a lower court judge challenged the Nixon administration's lawyers to identify the most sensitive secret in the whole mass of leaked documents. The lawyers conferred and decided on the material dealing with "Operation Marigold," a secret 1966 attempt to negotiate with North Vietnam through Polish diplomatic intermediaries.

Never mind that the communist adversaries obviously knew about Operation Marigold. The judge discovered that this super-sensitive secret had been published long before in newspapers—and described at length in President Johnson's memoirs.

The heart of the problem is the number of federal employees who are authorized to classify documents at one level or another. The current estimate of rubber-stamp wielders is 2.49 million.

This astounding number is hardly what President Reagan had in mind when he issued Executive Order 12356. It listed just 25 persons in government who should have the power to classify a document Top Secret.

But a loophole in the executive order allows the top 25 to designate surrogates who may share their privilege. Now there are 1,516 persons empowered to determine that a document will be stamped Top Secret.

On the next step lower on the ladder of security, there are just six more persons who can classify something as Secret. But they share their authority with 4,235 surrogates.

Finally, the executive order names exactly three additional officials who can classify documents as Confidential; they share the authority with 1,149 surrogates.

But even the total of 6,900 persons who are allowed to classify a document on sight, without consulting anyone, is deceptive. That's because there are 2,484,541 additional federal employees who hold what is called "derivative classification authority."

Normally, these "derivatives" may classify material only when it uses information from an originally classified document. But in some cases they can make their own classification decisions on original material, using guidelines laid down by the top rubber-stampers. So the net effect is that there are, indeed, 2.49 million federal employees contributing to the secret paper mountain that is proving so difficult to protect.

The General Accounting Office studied the mess and concluded that the all-too-human response to the system was this: "The informal rule of thumb followed was, when in doubt, classify the information at the Secret level." Furthermore, the GAO noted, "the penalties for underclassifying far outweigh those for overclassifying."

Clearly, the classification system is in serious need of an overhaul. Only when the number of bureaucrats with the power to create official secrets is drastically cut back will the nation's legitimate secrets be given the protection they deserve.

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